

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CAROLYN HERZ SRIVASTAVA,

Plaintiff,

v.

BLAKEFORD AT GREEN HILLS
CORPORATION, VAN CLUCK, PATRICIA
MORELL, ARNOLD BIENSTOCK, ERIC
BRAM, JONATHAN ADLAND, ORA HIRSCH
PESCOVITZ, and DAVID F. HAMILTON,

Defendants.

Civil Action No. 3:10-0082

JUDGE HAYNES

JURY TRIAL DEMANDED

*ORDER
This motion
is GRANTED*

MOTION TO SUBSTITUTE UNITED STATES AS DEFENDANT

*Will [Signature]
4-14-10*

The United States of America moves the Court to substitute the United States for the individual federal defendant, David F. Hamilton, as to plaintiff's state law tort claims in the above styled action.

Title 28 U.S.C. § 2679(d)(1) mandates substitution of the United States as defendant in tort actions in which the Attorney General or his designee has certified that the defendant was acting within the scope of his federal employment at the time of the incident giving rise to suit. The Attorney General has delegated this certification authority to the United States Attorney. See 28 C.F.R. § 15.4(a) ("The United States Attorney for the district where the civil action or proceeding is brought ... is authorized to make the statutory certification that the Federal employee was acting within the scope of his office or employment with the Federal Government at the time of the incident out of which the suit arose.").